

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

ANNIE JAMISON

PLAINTIFF

VS.

CAUSE NO. 01-5-656B

WILLIE EARL COWAN

DEFENDANT

ORDER OF PARTITION OF LAND

THIS MATTER came before the Court on Plaintiff's Complaint for Partition of Land and further came before the Court for a review of the Commissioner's Report on this the 22nd day of June, 2004, and the Court being well advised in the premises finds as follows, to-wit:

1. That the Plaintiff herein and the Defendant are the owners and tenants in common of the hereinafter described land, to-wit:

The North 60 acres of the West 120 acres of the South 200 acres of the West half of Section 33, Township 1 South, Range 5 West, and being the same property described in Deed of Record Deed Book 39, Page 32, Land Deed Record, DeSoto County, Mississippi, less and except, conveyances recorded in Warranty Deed Book 97, Page 77, to Jessie J. Maxwell, Warranty Deed recorded in Book 116, Page 636 to Julius Guy, Warranty Deed recorded in Book 126, Page 118 to Annie G. Jamison, Warranty Deed recorded in Book 146, Page 412 to Larry I. Jones, and Warranty Deed recorded in Book 155, Page 173 to Alphonzo Guy, and being further described as being all of the property owned by Emmitt Gibbs at the time of his death, on or about the 27th day of June, 1983.

STATE MS.-DESOTO CO.
FILED

JUN 25 1 32 PM '04

475 PG 342
CLERK ON CLK.

Plaintiff would show unto the Court that ownership of the property resulted as follows, to-wit:

- A. Deed from Irene Griffie to Emmitt Gibbs dated February 29, 1952, recorded in Warranty Deed Book 39, Page 32 conveying sixty (60) acres of property, being described as the North sixty (60) acres of the West One Hundred Twenty (120) acres of the South

FILED

JUN 22 2004

WEDAVIS, CLERK

Two Hundred (200) acres of the West half of Section 33, Township 1 South, Range 5 West, DeSoto County, Mississippi.

B. Emmitt Gibbs during his lifetime conveyed acreage out of said Sixty (60) acre tract totaling Fourteen (14) acres leaving net acreage of Forty-Four and one-half (44 ½) acres.

C. The said Emmitt Gibbs died intestate on or about the 27th day of June, 1983, leaving as his sole heirs at law, his wife, Minnie Gibbs and grandchildren namely, Annie G. Jamison, Willie Earl Cowan, Larry I. Jones, Bobby Gibbs, Randy Gibbs and Velma Louise Gibbs, all being the children of Emmitt Gibbs, Jr. who predeceased said Emmit Gibbs.

D. Deed from Annie G. Jamison, Larry I. Jones, Bobby Gibbs, Randy Gibbs and Velma Louise Gibbs to Minnie Gibbs dated the 29th day of November, 1984, recorded in Warranty Deed Book 175, page 77, Chancery Clerk's Office of DeSoto County, Mississippi conveying all their undivided interest in and to forty-four and one-half (44 ½) acres of property.

2. Title to the Complainant herein, Annie Jamison, is as a result of the Last Will and Testament of Minnie Gibbs, in Cause Number 93-11-1328, entitled Minnie Gibbs, Testatrix vs. Annie Jamison, Executrix. Said Will of Minnie Gibbs as recorded in Will Book 20, page 697, Chancery Clerk's Office, DeSoto County, Mississippi and leaves all her interest in subject property to Annie Jamison. Accordingly, Plaintiff holds 11/12 ownership and Defendant holds 1/12 ownership in the subject property.

3. That this Court appointed as Commissioners W.E. Davis, Dale Thompson and Joey Treadway, and ordered that a survey of the property be made and that the Commissioners review the survey and submit a final report to the Court as to the proper manner of partition.

4. That a survey of the property was made by Thomas W. King, Jr., land surveyor, and that Plaintiff herein paid to Mr. King for his services rendered approximately \$3,425.00 for said survey. A copy of said survey is attached to this Order as Exhibit "A" and made a part hereof as if fully copied herein.

5. That by Court Order filed May 7, 2004, this Court ordered that the Commissioners should receive a copy of the survey attached hereto as Exhibit "A" and make their report to the Court on or before June 22, 2004.

6. That on the 20th day of May, 2004, the Commissioners made their report after having reviewed the survey and the Commissioners found that Willie Earl Cowan was to receive less than 1/12 of the total acreage because the 3 acre tract he was to be awarded included a personal residence. The Commissioners found that the proper manner of partition would provide that Annie Jamison receive 42.16 acres and that Mr. Cowan receive 3 acres.

7. That the legal description as surveyed by Thomas W. King, Jr., land surveyor, for the 42.16 acre tract which shall be divided in kind and of which Annie Jamison shall be the sole fee simple owner is described more particularly as follows:

Description of a 42.16 acre tract in the west ½ of section 33, T-1-S, R-5-W, DeSoto County, MS being part of the Minnie Jamison 60 acre tract as recorded in quit claim deed book 175 page 77, being more particularly described as follows: beginning at a mag nail (set) in the west line of said section 33, S 0°51'20" E 2956.41' from the northwest corner of said section 33 as measured along the west line of said section 33; thence N 88°39'57" E passing a ½ re-bar (found) at 46.3' and continuing along the south line of lot 1 of section "A" Emmitt Gibbs subdivision as recorded in plat book 18 page 36 a distance of 608.30' to a 3/8" re-bar (set); thence N 2°00'46" W along the east line of said lot 1 a distance of 300.00' to a ½ re-bar (found); thence N 88°36'34" E along the south line of the Ronnie Carl Jamison 5 acre tract as recorded in quit claim deed book 363 page 591 a distance of 40.00' to a 3/8" re-bar (set); thence N 0°06'27" W along the east line of said 5 acre tract 365.00' to a 3/8" re-bar (set); thence S 88°37'00" W along the north line of said 5 acre tract 218.90' to a 3/8" re-bar (set); thence N 0°51'20" W 298.51' to a 3/8" re-bar (set) in the north line of

said 60 acre tract; thence S 89°34'33" E along the north line of said 60 acre tract 417.27' to a ½ re-bar (found); thence N 89°27'50" E along the north line of said 60 acre tract being the south line of the S&M III LLC, tract as recorded in quit claim deed book 356 page 119 a distance of 732.52' to a ½" conduit pipe & metal "T" post (found); thence S 1°13'24" E along the west line of said S&M III LLC tract 1001.97' to a ½" conduit pipe (found); thence continuing along said west line S 0°18'19" W 665.04' to a ½ re-bar (found) at the northeast corner of the Earnest Hearn 40 acre tract as recorded in deed book 36 page 484; thence N 89°23'06" W along the south line of said 60 acre tract 944.24' to 3/8" re-bar (set) at the southeast corner of the Julius Guy 3 acre tract as recorded in warranty deed book 116 page 636; thence N 0°51'20" W along the east line of Julius Guy's 3 acre tract 209.00' to a 3/8" re-bar (set); thence N 89°22'44" W along the north line of said Julius Guy's 3 acre tract passing a ½" re-bar (found) at 90.5' and continuing for a total distance of 155.29' to a 3/8" re-bar (set) at the south east corner of lot 2, section "B", Emmitt Gibbs subdivision as recorded in plat book 19 page 32; thence N 0°04'01" W along the east line of said lot 2 a distance of 209.66' to a ½" re-bar (found); thence N 89°19'56" W along the north line of said lot 2 passing a ½" re-bar (found) a 432.58' and continuing for a total distance 474.61' to a mag nail (set) in the west line of said section 33; thence N 0°51'20" W along the west line of said section 33 a distance of 253.91' to the point of beginning containing 1,836,546.18 sq. ft. Or 42.16 acres.

Subject to DeSoto County subdivision and zoning regulations.

Subject to right-of-way in Center Hill Road.


Subject to any easements for utilities.

8. That the legal description as surveyed by Thomas W. King, Jr., land surveyor, for the 3.0 acre tract which shall be divided in kind and of which Willie Earl Cowan shall be the sole fee simple owner is described more particularly as follows:

Description of a 3.0 acre tract in the northwest 1/4 of section 33, T-1-S, R-5-W, DeSoto County, MS being part of the Minnie Gibbs 60 acre tract as recorded in quit claim deed book 175 page 77 in the chancery clerk's office of DeSoto County, being more described as follows: Beginning at a Mag nail (set) in the west line of said section 33, S 0°51'20" E 1980.00' from the northwest corner of said section 33 as measured along the west line of said 428.20' to a 3/8" re-bar (set); thence S 0°51'20" E 298.51' to 3/8" re-bar (set) in the north line of the Ronnie Carl Jamison 5 acre tract as recorded in deed book 363 page 591; thence S 88°37'00" W along the north line of said 5 acre tract 428.11' to a mag nail (set) in the west line of said section 33; thence N 0°51'20" W along the west line of said section 36 a distance of 312.01' to the point of beginning, containing 130,680.0 sq. Ft. or 3.0 acres.

Subject to DeSoto County subdivision and zoning regulations.

Subject to right-of-way in Center Hill Road.
 Subject to any easements for utilities.

9. That Annie Jamison has incurred attorney's fees, court costs and survey costs as a result of not only her attempts to partition the property but also actions by the Defendant to delay and otherwise obstruct the process, and that Plaintiff is entitled to compensation in the form of a judgment against Defendant in the amount of \$ 10 - 

10. That this Order should be recorded as a deed in the Land Records of the Chancery Clerk's Office of DeSoto County, Mississippi.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

A. That the Plaintiff herein and the Defendant are the owners and tenants in common of the hereinafter described land, to-wit:

The North 60 acres of the West 120 acres of the South 200 acres of the West half of Section 33, Township 1 South, Range 5 West, and being the same property described in Deed of Record Deed Book 39, Page 32, Land Deed Record, DeSoto County, Mississippi, less and except, conveyances recorded in Warranty Deed Book 97, Page 77, to Jessie J. Maxwell, Warranty Deed recorded in Book 116, Page 636 to Julius Guy, Warranty Deed recorded in Book 126, Page 118 to Annie G. Jamison, Warranty Deed recorded in Book 146, Page 412 to Larry I. Jones, and Warranty Deed recorded in Book 155, Page 173 to Alphonzo Guy, and being further described as being all of the property owned by Emmit Gibbs at the time of his death, on or about the 27th day of June, 1983.

Ownership of the property resulted as follows, to-wit:

a. Deed from Irene Griffie to Emmitt Gibbs dated February 29, 1952, recorded in Warranty Deed Book 39, Page 32 conveying sixty (60) acres of property, being described as the North sixty (60) acres of the West One Hundred Twenty (120) acres of the South

Two Hundred (200) acres of the West half of Section 33, Township 1 South, Range 5 West, DeSoto County, Mississippi.

b. Emmitt Gibbs during his lifetime conveyed acreage out of said Sixty (60) acre tract totaling Fourteen (14) acres leaving net acreage of Forty-Four and one-half ($44 \frac{1}{2}$) acres.

c. The said Emmitt Gibbs died intestate on or about the 27th day of June, 1983, leaving as his sole heirs at law, his wife, Minnie Gibbs and grandchildren namely, Annie G. Jamison, Willie Earl Cowan, Larry I. Jones, Bobby Gibbs, Randy Gibbs and Velma Louise Gibbs, all being the children of Emmitt Gibbs, Jr. who predeceased said Emmit Gibbs.

d. Deed from Annie G. Jamison, Larry I. Jones, Bobby Gibbs, Randy Gibbs and Velma Louise Gibbs to Minnie Gibbs dated the 29th day of November, 1984, recorded in Warranty Deed Book 175, page 77, Chancery Clerk's Office of DeSoto County, Mississippi conveying all their undivided interest in and to forty-four and one-half ($44 \frac{1}{2}$) acres of property.

B. Title to the Complainant herein, Annie Jamison, is as a result of the Last Will and Testament of Minnie Gibbs, in Cause Number 93-11-1328, entitled Minnie Gibbs, Testatrix vs. Annie Jamison, Executrix. Said Will of Minnie Gibbs as recorded in Will Book 20, page 697, Chancery Clerk's Office, DeSoto County, Mississippi and leaves all her interest in subject property to Annie Jamison. Accordingly, Plaintiff holds the $11/12$ ownership and Defendant holds $1/12$ ownership in the subject property.

C. That this Court appointed as Commissioners W.E. Davis, Dale Thompson and Joey Treadway, and ordered that a survey of the property be made and that the Commissioners review the survey and submit a final report to the Court as to the proper manner of partition.

D. That a survey of the property was made by Thomas W. King, Jr., land surveyor, and that Plaintiff herein paid to Mr. King for his services rendered approximately \$3,425.00 for said survey. A copy of said survey is attached to this Order as Exhibit "A" and made a part hereof as if fully copied herein.

E. That by Court Order filed May 7, 2004, this Court ordered that the Commissioners should receive a copy of the survey attached hereto as Exhibit "A" and make their report to the Court on or before June 22, 2004.

F. That on the 20th day of May, 2004, the Commissioners made their report after having reviewed the survey and the Commissioners found that Willie Earl Cowan was to receive less than 1/12 of the total acreage because the 3 acre tract he was to be awarded included a personal residence. The Commissioners found that the proper manner of partition would provide that Annie Jamison receive 42.16 acres and that Mr. Cowan receive 3 acres.

G. That the legal description as surveyed by Thomas W. King, Jr., land surveyor, for the 42.16 acre tract which shall be and is hereby divided in kind and of which Annie Jamison shall be and is hereby the sole fee simple owner is described more particularly as follows:

Description of a 42.16 acre tract in the west ½ of section 33, T-1-S, R-5-W, DeSoto County, MS being part of the Minnie Jamison 60 acre tract as recorded in quit claim deed book 175 page 77, being more particularly described as follows: beginning at a mag nail (set) in the west line of said section 33, S 0°51'20" E 2956.41' from the northwest corner of said section 33 as measured along the west line of said section 33; thence N 88°39'57" E passing a ½ re-bar (found) at 46.3' and continuing along the south line of lot 1 of section "A" Emmitt Gibbs subdivision as recorded in plat book 18 page 36 a distance of 608.30' to a 3/8" re-bar (set); thence N 2°00'46" W along the east line of said lot 1 a distance of 300.00' to a ½ re-bar (found); thence N 88°36'34" E along the south line of the Ronnie Carl Jamison 5 acre tract as recorded in quit claim deed book 363 page 591 a distance of 40.00' to a 3/8" re-bar (set); thence N 0°06'27" W along the east line of said 5 acre tract 365.00' to a 3/8" re-bar (set); thence S 88°37'00" W along the north line of said 5 acre tract 218.90' to a 3/8" re-bar (set); thence N 0°51'20" W 298.51' to a 3/8" re-bar (set) in the north line of

said 60 acre tract; thence S 89°34'33" E along the north line of said 60 acre tract 417.27' to a ½ re-bar (found); thence N 89°27'50" E along the north line of said 60 acre tract being the south line of the S&M III LLC, tract as recorded in quit claim deed book 356 page 119 a distance of 732.52' to a ½" conduit pipe & metal "T" post (found); thence S 1°13'24" E along the west line of said S&M III LLC tract 1001.97' to a ½" conduit pipe (found); thence continuing along said west line S 0°18'19" W 665.04' to a ½ re-bar (found) at the northeast corner of the Earnest Hearn 40 acre tract as recorded in deed book 36 page 484; thence N 89°23'06" W along the south line of said 60 acre tract 944.24' to 3/8" re-bar (set) at the southeast corner of the Julius Guy 3 acre tract as recorded in warranty deed book 116 page 636; thence N 0°51'20" W along the east line of Julius Guy's 3 acre tract 209.00' to a 3/8" re-bar (set); thence N 89°22'44" W along the north line of said Julius Guy's 3 acre tract passing a ½" re-bar (found) at 90.5' and continuing for a total distance of 155.29' to a 3/8" re-bar (set) at the south east corner of lot 2, section "B", Emmitt Gibbs subdivision as recorded in plat book 19 page 32; thence N 0°04'01" W along the east line of said lot 2 a distance of 209.66' to a ½" re-bar (found); thence N 89°19'56" W along the north line of said lot 2 passing a ½" re-bar (found) a 432.58' and continuing for a total distance 474.61' to a mag nail (set) in the west line of said section 33; thence N 0°51'20" W along the west line of said section 33 a distance of 253.91' to the point of beginning containing 1,836,546.18 sq. ft. Or 42.16 acres.

Subject to DeSoto County subdivision and zoning regulations.


Subject to right-of-way in Center Hill Road.

Subject to any easements for utilities.


H. That the legal description as surveyed by Thomas W. King, Jr., land surveyor, for the 3.0 acre tract which shall be and is hereby divided in kind and of which Willie Earl Cowan shall be and is hereby the sole fee simple owner is described more particularly as follows:

Description of a 3.0 acre tract in the northwest 1/4 of section 33, T-1-S, R-5-W, DeSoto County, MS being part of the Minnie Gibbs 60 acre tract as recorded in quit claim deed book 175 page 77 in the chancery clerk's office of DeSoto County, being more described as follows: Beginning at a Mag nail (set) in the west line of said section 33, S 0°51'20" E 1980.00' from the northwest corner of said section 33 as measured along the west line of said section 33; thence S 89°34'33" E along the north line of said 60 acre tract 428.20' to a 3/8" re-bar (set); thence S 0°51'20" E 298.51' to 3/8" re-bar (set) in the north line of the Ronnie Carl Jamison 5 acre tract as recorded in deed book 363 page 591; thence S 88°37'00" W along the north line of said 5 acre tract 428.11' to a mag nail (set) in the west line of said section 33; thence N 0°51'20" W along the west line of said section 36 a distance of 312.01' to the point of beginning, containing 130,680.0 sq. Ft. or 3.0 acres.

Subject to DeSoto County subdivision and zoning regulations.
 Subject to right-of-way in Center Hill Road.
 Subject to any easements for utilities.

I. That Annie Jamison has incurred attorney's fees, court costs and survey costs as a result of not only her attempts to partition the property but also actions by the Defendant to delay and otherwise obstruct the process, and that Plaintiff be and is awarded compensation in the form of a judgment against Defendant in the amount of \$ — 0 — 

J. That this Order shall be recorded as a deed in the Land Records of the Chancery Clerk's Office of DeSoto County, Mississippi.

K.  The Commissioners shall be entitled to compensation of \$300 each, to be paid by Plaintiff.


 CHANCERY COURT JUDGE


Prepared by and return to:

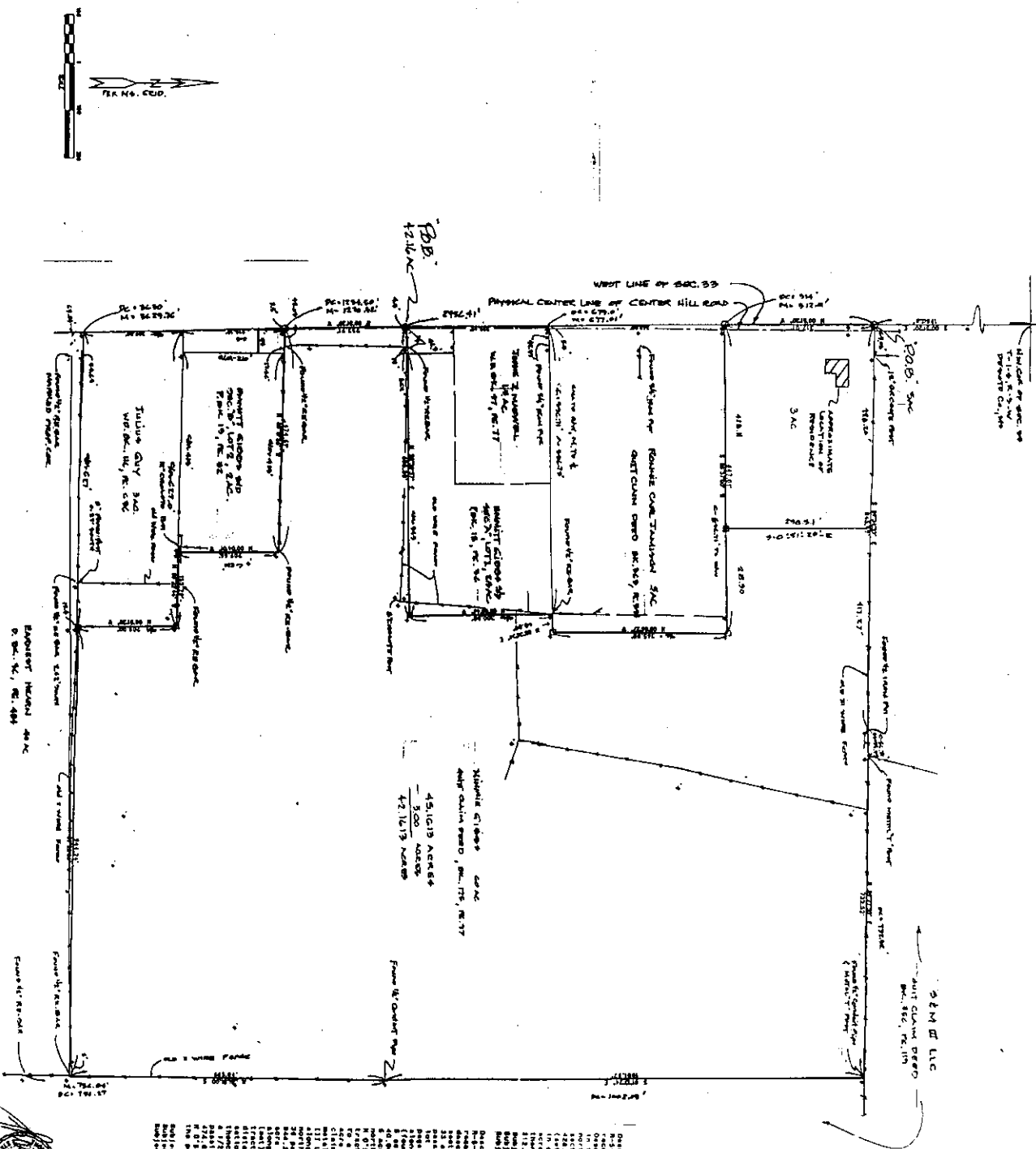
BRYAN E. DYE
 WATKINS LUDLAM WINTER & STENNIS, P.A.
 P.O. Box 1456
 6897 Crumpler Blvd., Suite 100
 Olive Branch, MS 38654
 (662) 895-2996



INDEXING INSTRUCTIONS: NW 1/4 of Section 33, Township 1 South, Range 5 West

983663.1/10696.07460

STATE OF MISSISSIPPI, COUNTY OF DESOTO
 I HEREBY CERTIFY that the above and foregoing is
 a true copy of the original filed in this office.
 This the 22 day of June, 2004
 W. E. Davis, Clerk of the chancery court
 By  D.C.

[illegible]

EXHIBIT

Date: 2-20-


① - 4477 New York
② - 4477 New York

Thomas W. King, Jr.
Land Surveyor
P. O. Box 269
Victoria, British Columbia
800-478-6000